



**NORTH DAKOTA
RETIREMENT AND
INVESTMENT OFFICE**

WORKING AFTER RETIREMENT

After you retire, you may return to TFFR covered employment under certain employment limitations. The limits apply to TFFR covered employment which includes teaching, supervisory, and administrative services in a ND public school or state institution covered by TFFR except for extra-curricular duties and professional development. The limits **do not** apply to:

- Substitute teaching (non-contracted)
- Teaching in public colleges and universities
- Teaching in private schools
- Employment outside of education
- Employment outside of ND

To help you determine which return to work option best suits your needs, you should consider the following questions:

- How long have I been retired?
- How long do I plan to work?
- Do I plan to work full or part time?

Please also keep in mind that under both federal and state law, a teacher must terminate employment in order to be eligible to retire and receive retirement benefits. Therefore, at the time of retirement, there can be no written pre-existing agreement indicating re-employment after retirement. After the applicable waiting period (if any), should you decide to return to work, both you and your employer must notify TFFR by completing a "TFFR Retired Member Employment Notification" form within 30 days of your employment. This form must be completed each year you return to teach.

Failure to notify TFFR that you have returned to TFFR covered employment will result in the loss of annuity benefits. Notification must be in writing.

Because of the impact returning to work could have on your TFFR retirement benefits, we strongly encourage you to contact our office to discuss all of your options.

GENERAL RULE – ANNUAL HOUR LIMIT

After 30 days elapse from your retirement date, you may return to TFFR covered employment for a maximum number of hours in a fiscal year (July 1 - June 30). You will continue to receive your monthly retirement benefits; employer and employee contributions will not be paid to TFFR; and your monthly TFFR benefit amount will not be affected. The annual hour limit is based on the length of employment.

- 9-month contract = 700 hours
- 10-month contract = 800 hours
- 11-month contract = 900 hours
- 12-month contract = 1,000 hours

Example: Jane Teacher retires July 1, 2005, and begins collecting monthly TFFR retirement benefits. On August 1, she signs a 9-month contract with a ND school district to work for 700 hours during the school year (4 hours/day for 175 days) as an English teacher. With the exception of substitute teaching, extra-curricular duty and professional development, all compensated hours count toward the 700-hour limit. Jane and her employer complete a TFFR Retired Member Employment Notification form and submit to TFFR for approval. Jane receives salary from the school district for the part time employment, but no retirement contributions are paid to TFFR. Jane continues to receive her monthly TFFR retirement benefit while teaching part time.

EXCEPTION A – CRITICAL SHORTAGE AREA

You may return to TFFR covered employment in an approved critical shortage area and exceed the annual hour limitation without losing your retirement benefits. If you retired on or prior to January 1, 2001, no waiting period is required. However, if your retirement date is after January 1, 2001, a one-year waiting period

RETIREE RETURN TO WORK OPTIONS AT A GLANCE

Retiree Return to Work Limitation	Waiting Period Required (Break in Service)	Length of Employment	TFFR Benefit Continued	TFFR Employee & Employer Contributions Paid	TFFR Benefit Amount Recalculated
General Rule – Annual hour limit	30 days from retirement	Unlimited	Yes	No	No
Exception A: Critical shortage areas determined by ESPB Over annual hour limit	One Year-if your retirement date is after 1/1/01 None-if your retirement date is on or before 1/1/01	Dependent upon annual approval and verification of critical shortage area	Yes	No	No
Exception B: Benefit suspension and recalculation Over annual hour limit	30 days from retirement date	Unlimited	No Benefit suspended after annual hour limit is reached	Yes Employer and employee contributions paid on salary earned after annual hr. limit	Yes Recalculation based on the number of additional years of service

is required before you can consider this option. You may perform non-contracted substitute teaching during the one-year waiting period. Critical shortage areas will be determined each year by the Education Standards and Practices Board (ESPB) by rule. Each year, you must re-apply for this exception and receive verification that it remains a critical shortage area. Like the General Rule, you will continue to receive your monthly retirement benefits, employer and employee contributions will not be paid to TFFR, and your monthly TFFR benefit amount will not be affected.

Example: John Teacher retires July 1, 2005 and begins collecting monthly TFFR retirement benefits. He does some substitute teaching in 2005-06, then returns as a full time teacher on July 1, 2006, in an approved critical shortage area. John and his employer complete a TFFR Retired Member Employment Notification form and submit to TFFR for approval. John receives salary from the school district for the full time employment, but no retirement contributions are paid to TFFR. John continues to receive his monthly retirement benefit while working full time in a critical shortage area.

EXCEPTION B – BENEFIT SUSPENSION AND RECALCULATION

After 30 days elapse from your retirement date, you may return to TFFR covered employment and exceed the annual hour limitation. Under this option, your TFFR benefits will be suspended the first of the month following the month you reach the annual hour limit. At that time, employer and employee contributions must be paid on any salary earned after the annual hour limit based on your employer's TFFR payment model. Upon your re-retirement, your benefits may be recalculated. If you re-retire with:

- Less than 2 years of additional earned service credit – you will receive the discontinued benefit plus benefit increases granted during the benefit suspension and a refund of any additional employee contributions paid plus interest.

- 2-5 years – you will receive the greater of the discontinued annuity, plus additional years at the new multiplier, plus benefit increases granted during the suspension, OR all the years recalculated at the new multiplier, less an actuarial offset for the amount of benefits already paid.
- 5 or more years – you will receive the greater of the calculation above or the retirement benefit recalculated using all the years at the new multiplier with no actuarial offset.

This brochure is a summary of NDCC 15-39.1-19.1 and is not intended to provide total information concerning employment after retirement. More detailed information may be obtained by contacting:

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